

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	)	
ex rel.	)	
INTERNATIONAL BROTHERHOOD OF	)	
ELECTRICAL WORKERS, LOCAL UNION	)	Civil Action No. 09-cv-4230-LS
NO. 98,	)	
Relators/Plaintiffs,	)	
v.	)	
	)	
THE FARFIELD COMPANY	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION TO COMPEL DEFENDANT  
TO COOPERATE IN DISCOVERY**

Pursuant to this Court's Policies and Procedures, Relator/Plaintiff International Brotherhood of Electrical Workers, Local Union No. 98 ("IBEW") moves this to compel Defendant The Farfield Company ("Farfield") to cooperate in discovery. In support thereof, IBEW states the following:

1. On September 17, 2009, Local 98 filed a Complaint under seal in this Court. *See* Docket No. 1.
2. After the United States Department of Justice declined to intervene in this matter, the Court unsealed the Complaint on October 31, 2011. *See* Docket No. 17.
3. On January 13, 2012, Farfield filed a Motion to Dismiss the Complaint, or, in the Alternative, for Summary Judgment. *See* Docket No. 25.
4. The Court allowed Farfield to exceed its 25-page limit with respect to its brief in support of that Motion. *See* Docket No. 26.
5. In response to Farfield's Motion to Dismiss, Local 98 filed a First Amended Complaint on February 3, 2012. *See* Docket No. 30.

6. On March 2, 2012, Farfield filed a Motion to Dismiss the First Amended Complaint or, in the Alternative, for Summary Judgment. *See* Docket No. 35.

7. On, July 2, 2013, this Court denied Farfield's Motion to Dismiss in its entirety.

8. On October 7, 2013, Local 98 propounded on Farfield interrogatories and requests for the production of documents. (Exhibits 1 and 2, respectively.)

9. On November 22, 2013, Farfield provided written responses to the interrogatory requests. (Exhibit 3.)

10. On the same date, it provided objections and preliminary responses to the document request. (Exhibit 4.)

11. By agreement of the parties and authorization of the Court, Farfield submitted additional responses to the documents request in a series of batches over an extended period of time, as identified below:

- January 3, 2014 - 108,266 pages of documents
- January 6, 7, 10 and February 19, 2014 – 9,925 pages of documents
- April 21, 2015 – 92, 424 pages of documents
- June 12, 2015 – 34,227 pages of documents
- July 24, 2015 – 11,966 pages of documents
- September 18, 2015 – 1,858 pages of documents
- October 5, 2015 – 2,921 pages of documetns

12. After having had an opportunity to thoroughly review each of the 261,587 pages of documents submitted, IBEW determined that a number of deficiencies exist both with respect to the responses to document requests and Farfield's interrogatory responses.

13. On August 17, 2015, counsel for IBEW issued correspondence to Farfield's counsel in which it identified with particularity the responses that it believed were altogether non-responsive to IBEW's requests, or were substantially incomplete. (Exhibit 5.)<sup>1</sup>

14. On September 18, 2015, Farfield's counsel issued a written response to the assertions raised in IBEW's August 17<sup>th</sup> correspondence. (Exhibit 6.)

15. On October 2, 2015, the parties engaged in a telephone conference during which they discussed outstanding discovery matters.

16. Notwithstanding this good-faith attempt by the parties to reach agreement on all of the issues in dispute, a number of significant discovery disputes remain unresolved, as set forth in the accompany Memorandum of Law, which is incorporated herein by reference.

WHEREFORE, Plaintiff International Brotherhood of Electrical Workers, Local Union No. 98 respectfully requests that the Court grant this Motion to Compel Defendant to Cooperate in Discovery.

Respectfully submitted,

JENNINGS SIGMOND, P.C.

s/ Richard B. Sigmond

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Date: October 5, 2015

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<sup>1</sup> Certain information in the exhibit has been redacted pursuant to the terms of the parties' Confidentiality Agreement.